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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/603,361	06/25/2003	Bor-Wen Chan	N1085-00089	2523	
54657	7590 12/30/2005		EXAMINER		
DUANE MORRIS LLP IP DEPARTMENT (TSMC)			POMPEY, RON EVERETT		
	7TH STREET	ART UNIT	PAPER NUMBER		
PHILADELP.	HIA, PA 19103-4196	2812			

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Application No.   Applicant(s)   Applican										
## Examiner Role Period for Reply 2812  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICH-EVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Expiration of time may be available under the provisions at 37 CPR 1.136(s). In or event, however, may a reply be timely filed.  Expiration of time may be available under the provisions at 37 CPR 1.136(s). In or event, however, may a reply be timely filed.  Expiration of time may be available under the provisions at 37 CPR 1.136(s). In or event, however, may a reply be timely filed.  Failure to reply whithin the sect or addressed period for reply will, by datatics, cause the application to become ABANDCRED (69 U.S.C.§ 1.35).  Failure to reply whithin the sect or addressed period for reply will, by datatics, cause the application to become ABANDCRED (69 U.S.C.§ 1.35).  Failure to reply whithin the sect or addressed period for reply will, by datatic, cause the application to become ABANDCRED (69 U.S.C.§ 1.35).  Failure to reply whithin the sect or addressed period for reply will, by datatic, cause the application to become ABANDCRED (69 U.S.C.§ 1.35).  Failure to reply whithin the sect or addressed period for reply will, by datatic, cause the application to the advention.  Failure to reply whithin the sect or addressed period for reply will, by datatic, cause the application to be communication.  Failure to reply whithin the sect or addressed period for reply will, by datatic, cause the application to be device on the advance of the priodity data of the application to application to the framework and the application is non-final.  The section of Claims  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the priodity data of the application is an ordinary and the application is an			Applic	ation No.	Applicant(s)					
Ron E. Pompey   2812	Office Action Summary		10/603	3,361	CHAN ET AL.	(m)				
The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Executions of time may be evaluated under the provision of 3 CFR 1:18(i). In no event, however, may a reply be limely lifed  If NO period for reply is specified above, the maximum statistory period will apply and will expire SIX (8) MONTHS from the mating date of this communication.  Features to reply within its set or extended period for reply will, by stations, came the application to exceed a NANO-DOC (50 U.S.C. § 133). Any party reversed by the first of a certificate plant for reply will, by stations, came the application to exceed a NANO-DOC (50 U.S.C. § 133). Any party reversed by the state of the maximum station provided will apply and will apply and will apply and will apply any the state of the communication.  Features to replace the state of the maximum station provided will apply any the provided will apply any the state of the communication.  Features the state of the communication of the maximum state of the communication, even if timely filed, may reduce any states placed time and plantants.  Status  Status  Status  Status  This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.19 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5b) Claim(s) 1.19 is/are allowed.  6b) Claim(s) 1.19 is/are allowed.  6c) Claim(s) 1.19 is/are allowed.  6			Exami	ner	Art Unit					
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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-5, 8-9 and 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark et al. (US 6,767,793).

Clark discloses the limitations of:

coating a layer of gate electrode material (310, fig. 31) over top and past the opposed sides of a semiconductor device (300 fig. 30) that has been previously coated with a thin film of gate dielectric (320, fig. 31);

planarizing the layer of gate electrode material (fig. 31) to a substantially planar surface of the gate electrode material that extends past each of the opposed sides prior to patterning the gate electrode material to form a discrete multiple gate electrode on the semiconductor device (Column 7, lines 43 – 65).

## Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 6-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US 6,767,793) as applied to claim1 above, in view of Fried et al. (US 6,657,252) or Yu (US 6,458,662).

Clark does not disclose the claimed limitation(s) of:

applying a photoresist mask of substantially uniform thickness on the planar top surface of the planarized gate electrode material;

patterning the photoresist mask to cover a corresponding pattern of the discrete multiple gate electrode;

etching the gate electrode material that is uncovered by the photoresist mask to form the discrete multiple gate electrode; and

wherein, the gate dielectric comprises silicon oxynitride, a high permittivity material, comprising a permittivity greater than 5 and a thickness in the range of 3 and 100 Angstroms.

However,

a. Yu discloses the above claimed limitations regarding:

Applying a photoresist mask to pattern the discrete multiple gate in column(s) 4, line(s) 2-5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Clark with Yu, because Yu discloses a conventional patterning technique in further detail than Clark.

b. Fried discloses the above claimed limitations regarding:

Various types of gate dielectric material in column(s) 5, line(s) 25-32.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Clark with Fried, because Fried discloses that the various types of gate dielectric materials were conventional gate dielectric material used in the art and it would have been a matter of design choice as to which material to use.

## Response to Arguments

2. Applicant's arguments filed 2-16-05, pertaining to claims 1-19, have been fully considered but they are not persuasive. The applicant argues that Clark does not disclose the limitation of "independent claims have been amended and now recites the features of "a semiconductor device that has been previously coated with a thin film of gate dielectric on the top and the opposed sides of the semiconductor device".

Amended independent claims also recites the feature of "coating a layer of gate electrode material over top and past the opposed sides of a semiconductor device . . . . planarizing the layer of gate electrode material to a substantially planar surface of the gate electrode material that extends past each of the opposed sides." As seen from figure 31, the gate dielectric 320 is on top of the opposed sides of the semiconductor device and the gate electrode is planarized and extends past each of the oppose sides

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of the semiconductor device. Therefore the newly amended claims are read on by the prior art of record.

#### Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ron E. Pompey whose telephone number is (571) 272-1680. The examiner can normally be reached on compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael S. Lebentritt can be reached on (571) 272-1873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MICHAEL LEBENTRITT SUPERVISORY PATENT EXAMINER

Ron Pompey

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December 26, 2005